
(2009) 04 AHC CK 0525
In the Allahabad High Court

Renu Yadav

APPELLANT

Vs

Union of India and others

RESPONDENT

Date of Decision : 29-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0525

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Allowed

Judgement

B. K. Narayana, J.

Heard Sri Rakesh Mishra, learned counsel for the petitioner and Sri R.P. Shukla, learned Assistant Solicitor General of India for the opposite party No.1 and learned Standing Counsel for the opposite parties No.3 to 5.

The controversy relates to Special B.T.C Training Programme 20082009. An advertisement was published on 20.01.2009 and the last date for submission of the form was 20th February, 2009. The submission of the petitioner's counsel is that the petitioner has sent her application form through Speed Post on 13.02.2009. The attention of this Court has been invited to the judgment and order dated 02.04.2009, passed by this Court at Allahabad in Civil Misc. Writ Petition No.14819 of 2009. The operative portion of the judgment and order of this Court at Allahabad is reproduced as under:

"Since the petitioners had applied at more than one D.I.E.T., it would not be possible for them to handover the application forms in person within the time to be prescribed, therefore, all the petitioners may deposit their application forms with the Director, State Educational Research and Training Institute, Nishatganj, Lucknow on or before 18th of April, 2009 along with a certified copy of this order, who will also issue a receipt to each of the petitioners. The Director would be obliged to send the application forms to the respective D.I.E.Ts., who would consider their applications in accordance to law.

No order as to costs"

It has not been disputed by the learned counsel for the parties at the bar that the judgment and order passed by this Court at Allahabad has attained finality since it has not been set aside by the higher forum.

While deciding identical controversy at Allahabad, this Court directed the opposite parties to accept the application form submitted by the candidates on or before 18th April, 2009. The opposite parties do not seem to be justified in not accepting the application form which was sent by Speed Post in the month of February, 2009 itself.

The learned Standing Counsel submits that on account of election process, the candidates have not been sent for training till date.

In view of the above, the writ petition is allowed. A writ in the nature of mandamus is issued directing the opposite parties to accept the petitioner's application form in case the same is produced by 01.05.2009 along with the present order. No order as to costs.